SINGLE BENCH

C.D. 100/- 03

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION NO. 4669 /2005

PETITIONER

Sitaram Rai, son of Shri Fakir Rai, aged about 60 years, occupation – Assistant Teacher, Adhikshak Balak Ashram Jabgunda, Vikas Khand Orchha, Distt. Bastar (C.G.)

P.R. No. 4725/05
Presented by Shri A.N. Bhatt
dated 13/9/05

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : Its Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. The Collector, Distt. Bastar (Chhattisgarh)

3. The Block Education Officer, Block - Abujhamar, Distt. Bastar (C.G.)

4. Chief Executive Officer Janpad Panchayat, Abujhamar Orchha, Distt. Bastar (C.G.)

5. Gajendra Nag, Shiksha Karmi Warg III, Primary School Kakeli, Janpad Panchayat – Orchha (Abujhamar) Distt. Bastar (Chhattisgarh)

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13/9/05
CLERK to A. G. BILASPUR

04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA,

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4669 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

17.10.2005

Shri A.N. Bhakta, counsel for the petitioner.

Shri Pankaj Shrivastava, P.L. for the State on advance copy.

I.A.No.8381/2005

This is an application for urgent hearing. The matter is taken up on Board. This application stands disposed of.

W.P.No.4669/2005

The petitioner, who is presently working on the substantive post of Assistant Teacher and is also holding the charge of Adhikshak Balak Ashram, Jabgunda, Vikas Khand Orchha, Distt. Bastar (C.G), has challenged the posting of respondent No.5 as Adhikshak, Balak Ashram, Jabgunda vide order dated 14.6.2005 issued by respondent no.3. A copy of the impugned order has been filed as Annexure P-1.

The submission of learned counsel for the petitioner is that if respondent no.5 is posted there, the petitioner shall have to hand-over the charge of *Adhikshak* to respondent no.5. Learned counsel submits that the action of respondent no.3 in posting respondent no.5 as the *Adhikshak* of the said Balak Ashram is not in accordance with law.

In this writ petition, for the reliefs of above nature I do not find the *locus-standi* of the petitioner to challenge the order of posting of respondent no.5 issued by respondent no.3. A co-employee cannot be allowed to challenge the order of posting of another co-employee by an authority on technical grounds.

Learned counsel for the petitioner could not point out as to how the petitioner, who is holding substantive post of Assistant Teacher, would be

SP/FS/2005 - 20,000

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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18/01 Roo	adversely affected by the impugned order passed by respondent no.3. I am not inclined to entertain such petition filed by the petitioner. The petition has no merit and the same is dismissed. Consequently, M.W .P.No3786/2005 stands disposed of. **Sd/-** **Sunil Kumar Sinha** **Judge**	

SP/FS/2005 - 20,000

24/1/05 18/1/05 10/1/06